

10/19/99
JCS44 U.S. PTO

PATENT
Attorney Docket No. DIVER1260-3

☒ CONTINUATION
☐ DIVISIONAL

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

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Mikhail Bayley

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Mikhail Bayley
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Sir:

Transmitted herewith for filing is the **continuation** patent application of

Inventor(s): Jay M. Short; Barry Marrs; Jeffrey L. Stein

For: **PROTEIN ACTIVITY SCREENING OF CLONES HAVING DNA FROM
UNCULTIVATED MICROORGANISMS**

This is a request for filing a **continuation** application under 37 C.F.R. 1.53(b), of prior
U.S. application Serial No. 08/988,224; filed on December 10, 1997, now pending.

Enclosed are:

	<u># of Pages</u>
Specification	34
Claims	1
Abstract	1
Drawings [# of Sheets]	5
Combined Declaration and Power of Attorney	1
Small Entity Declaration	1
Information Disclosure Statements	3
Return Postcard	
Filing fee to be charged to Deposit Account No. 07-1895 in amount of	<u>380.00</u>

This application claims priority under 35 U.S.C. § 120 to U.S. Patent Application Serial No. 08/988,224, filed December 10, 1997, which is a divisional of U.S. Patent Application Serial No. 08/657,409, filed June 3, 1996, which is a continuation-in-part of U.S. Patent Application Serial No. 08/568,994, filed December 7, 1995 (now abandoned), which is a continuation-in-part of U.S. Patent Application Serial No. 08/503,606, filed July 18, 1995, the contents of which are incorporated by reference in their entirety herein.

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PATENT
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FULL NAME OF FIRST INVENTOR	LAST NAME: Short	FIRST NAME: Jay	MIDDLE NAME: M.
CITIZENSHIP	STATE OR FOREIGN COUNTRY: USA		
POST OFFICE ADDRESS	POST OFFICE ADDRESS: 320 Delage Drive	CITY AND STATE: Encinitas, CA	ZIP CODE: 92024
FULL NAME OF SECOND INVENTOR	LAST NAME: Marrs	FIRST NAME: Barry	MIDDLE NAME:
CITIZENSHIP	STATE OR FOREIGN COUNTRY: USA		
POST OFFICE ADDRESS	POST OFFICE ADDRESS: 7 Possum Tree Lane	CITY AND STATE: Kennett Square, PA	ZIP CODE:
FULL NAME OF THIRD INVENTOR	LAST NAME: Stein	FIRST NAME: Jeffrey	MIDDLE NAME: L.
CITIZENSHIP	STATE OR FOREIGN COUNTRY: USA		
POST OFFICE ADDRESS	POST OFFICE ADDRESS: 13525 Samantha Avenue	CITY AND COUNTRY: San Diego, CA	ZIP CODE: 92129

No payment of the issue fee, abandonment of, or termination of proceeding has occurred in the above-identified prior application.

1. ____ Cancel in this application original claim(s) ____.
2. ____ A preliminary amendment is enclosed.

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Jay M. Short et al.
Filed: Herewith
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The filing fee has been calculated as shown below:

For	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	3	=	0	X	\$9	\$18	=	\$.00	\$.00
Independent Claims	2	=	0	X	\$39	\$78	=	\$.00	0
Multiple Dependent Claims Presented: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					\$130	\$260			0
BASIC FEE					\$380	\$760		\$.00	\$ 760.00
					TOTAL FEE			\$380.00	\$0.00

3. ☒ Please charge my Deposit Account No. 07-1895 the TOTAL FEE of \$380.00 which covers the filing fee for this application. A duplicate copy of this sheet is enclosed.
4. ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-1895. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
5. ☒ Amend the specification by inserting after the title on page 1:

Sub-DT
C-1

This application is a divisional of application Serial No. 08/988,224, filed December 10, 1997, which is a divisional of U.S. Patent Application Serial No. 08/657,409, filed June 3, 1996, ^{now U.S. Patent 5,958,672} which is a continuation-in-part of U.S. Patent Application Serial No. 08/568,994, filed December 7, 1995 (now abandoned), which is a continuation-in-part of U.S. Patent Application Serial No. 08/503,606, filed July 18, 1995, ^{now U.S. P. 6,004,788} the contents of which are incorporated by reference in their entirety herein.

6. ☒ A verified statement claiming small entity status was filed in parent application, Serial No. 08/657,409, filed on June 3, 1996, and such status is still proper.
7. ☒ The prior application is assigned of record to Diversa Corporation, on June 3, 1996, at Reel 8018, Frame 0180.
8. ☒ The power of attorney in the prior application is to Lisa A. Haile, Registration No. 38,347.

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9. X Please transfer the drawings from the prior application to the new application.
10. X A copy of the prior application as filed is enclosed, including a copy of a Combined Declaration and Power of Attorney filed in parent application, U.S. application Serial No. 08/988,224, filed on December 10, 1997.
11. Permission to Use Sequence Listing of parent priority is enclosed along with paper copy of Sequence Listing.
12. X Information Disclosure Statements filed in the prior application under 37 C.F.R. 1.97 are hereby made of record. Copy of PTO-1449 is enclosed.

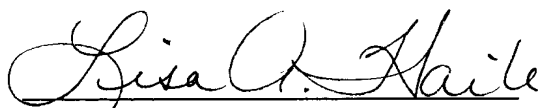
Address all future communications to:

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The undersigned states that the enclosed application papers comprise a true copy of the prior application as filed.

Respectfully submitted,

Date: 10/19/99


Lisa A. Haile, Ph.D.
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